

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SCOTT BLAIR,

*Plaintiff,*

v.

ALSTOM S.A. AND KAWASAKI  
HEAVY INDUSTRIES, LTD.,

*Defendants.*

CA No. 1:16-cv-03391-PAE-JLC

**DECLARATION OF ARMIN GHIAM IN SUPPORT OF DEFENDANT KAWASAKI  
HEAVY INDUSTRIES, LTD.'S MOTION TO STAY LITIGATION PENDING THE  
OUTCOME OF *INTER PARTES* REVIEW OF U.S. PATENT NO. 6,700,602**

I, Armin Ghiam, declare as follows:

1. I am an attorney at the law firm of Andrews Kurth Kenyon LLP, which is counsel of record for defendant Kawasaki Heavy Industries, Ltd. ("Kawasaki") in the above-captioned case. I am admitted to practice before the United States Patent and Trademark Office, and am a member of the bar in good standing in the state of New York. I provide this Declaration in conjunction with Defendant's Motion to Stay Litigation Pending the Outcome of *Inter Partes* Review of U.S. Patent No. 6,700,602. I have personal knowledge of the facts contained in this declaration, and if called to do so, I could and would testify competently thereto.

2. Attached as Exhibit A is a true and correct copy of the petition for *inter partes* review of the U.S. Patent No. 6,700,602, which challenges the validity of claims 1-4 and 6. This petition was filed on October 25, 2016 by Kawasaki Rail Car, Inc., and names Kawasaki Heavy Industries, Ltd. as a real party in interest.

3. Attached as Exhibit B is a true and correct copy of Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, dated November 7, 2016.

4. Attached as Exhibit C is a true and correct copy of *PPC Broadband, Inc. V. Corning Gilbert, Inc.*, No. 5:12-CV-0911 (GLS/DEP) (N.D.N.Y. March 13, 2014).

5. Attached as Exhibit D is a true and correct copy of Plaintiff Scott Blair's Responses and Objections to Defendant Kawasaki Heavy Industries, Ltd.'s First Set of Requests for the Production of Documents and Things (Nos. 1-36), served on November 30, 2016.

6. Attached as Exhibit E is a true and correct copy of Plaintiff's Initial Disclosures, served on October 18, 2016.

7. Attached as Exhibit F is a true and correct copy of Plaintiff's Infringement Contentions, served on November 14, 2016. Kawasaki served its Invalidity Contentions on January 5, 2017.

8. Attached as Exhibit G is a true and correct copy of United States Patent and Trademark Office's "Patent Trial and Appeal Board Statistics," dated November 30, 2016, which is available at [https://www.uspto.gov/sites/default/files/documents/aia\\_statistics\\_november\\_2016.pdf](https://www.uspto.gov/sites/default/files/documents/aia_statistics_november_2016.pdf).

9. Attached as Exhibit H is a true and correct copy of *Think Prods., Inc. v. Acco Brands Corp.*, No. CV 14-6659 (KAM) (SIL) (E.D.N.Y June 19, 2015).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 10, 2017

/s/ Armin Ghiam  
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